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Chairman: Mrs. Londoño (Vice-Chairperson) (Colombia)

Contents

Agenda item 112 : Report of the United Nations High Commissioner for Refugees, Questions relating to Refugees, Returnees and Displaced Persons and Humanitarian Questions

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In the absence of Mr. Belinga-Eboutou (Cameroon), Ms. Londoño (Colombia), Vice-Chairperson, took the Chair.

The meeting was called to order at 10.15 a.m.

Agenda item 112: Report of the United Nations High Commissioner for Refugees: Questions relating to Refugees, Returnees and Displaced Persons and Humanitarian Questions (A/58.3, A/58/12 (Suppl.1), A/58/12/Add.1 (Suppl.1), A/58/281, A/58/299, A/58/353, A/58/410 and A/58/415-S/2003/952)

1. **Mr. Lubbers** (United Nations High Commissioner for Refugees) introduced his report on "Strengthening the Capacity of the Office of the High Commissioner for Refugees to Carry Out its Mandate" (A/58/410), which contained the conclusions of the "UNHCR 2004" exercise and, in its final version, reflected the views of the Secretary-General and relevant bodies within the United Nations system, as well as of the Executive Committee of UNHCR.

2. The High Commissioner then proceeded to highlight some of the key elements in the report, starting with the governance structure of UNHCR. The time limitation on UNHCR's mandate was anachronistic, and the proposal to remove it appearing in General Assembly resolution 57/186 should be seen as a way of strengthening the management of global challenges relating to all categories of persons of concern to his Office. The removal of the time limitation would also translate into a stronger commitment on the part of States and would make durable solutions easier to find. The convening of regular ministerial meetings of States parties to the 1951 Convention on the Status of Refugees and/or its 1967 Protocol was also aimed at strengthening UNHCR's multilateral character. Similarly, the proposal to streamline the reporting requirements was aimed at enabling his Office to bring refugee issues before ECOSOC and the General Assembly in a more meaningful manner.

3. The primary function of UNHCR was to provide protection, assistance and durable solutions for refugees. However, UNHCR activities often included programmes to assist other categories of people whose lives had been affected by violence and persecution, such as returnees, asylum seekers, stateless persons and internally displaced persons. In many of today's conflicts there were more people fleeing to places within their own country than across international borders. While primary responsibility for ensuring their protection lay with national and local authorities, in many cases – especially where there was a vacuum of authority - other agencies, including UNHCR, had an important role to play. As stated in the report, the General Assembly had, over the past decades, often encouraged UNHCR's involvement in internal displacement situations.

4. His Office supported the collaborative approach to addressing the needs of the internally displaced and the special role of the Emergency Relief Coordinator. That approach should, however, be strengthened to ensure more rapid agreement on inter-agency division of labour, better planning, faster operational deployment and improved funding.

5. UNHCR would continue to work closely with the Emergency Relief Coordinator on ways of ensuring adequate and timely United Nations responses to internal displacement situations. In that connection, he drew attention to the relevant comments contained in the report.

6. The search for durable solutions had to become more systematic and to begin at the outset of each new refugee crisis. With that in mind, UNHCR had developed a Framework for Durable Solutions, whose main elements were the promotion of development assistance for refugees (DAR), repatriation, reintegration, rehabilitation and reconstruction (the "4Rs"), and development through local integration (DLI). Those initiatives had already led to concrete projects in Afghanistan, Eritrea, Sierra Leone, Sri Lanka and Zambia.

7. One of the indirect outcomes of the Global Consultations on International Protection had been the adoption of the "Convention Plus" initiative in 2002, designed to strengthen and complement the 1951 Refugee Convention and its 1967 Protocol through the development of multilateral special agreements aimed at enhancing burden-sharing and sharpening the focus on durable solutions.

8. Given the important interconnections between peace and security, humanitarian action, human rights

and development policies, UNHCR clearly needed to create stronger linkages both within and outside the United Nations system. As stated in the report, it was vital for UNHCR to enhance its interaction with the Office of the Secretary-General, the General Assembly, ECOSOC and the Security Council. His Office also needed to strengthen its engagement with the peace and security pillars of the United Nations, in particular the Departments of Political Affairs and Peace-Keeping Operations, since refugee movements often had an impact on regional stability and the success of repatriation operations could also have an impact on the peace process. The Office of the Coordinator for Humanitarian Affairs (OCHA) also had a key coordination role to play, and he looked forward to working closely with the new United Nations Emergency Relief Coordinator.

9. UNHCR also needed to strengthen its cooperation with development actors in order to ensure the inclusion of refugees and returnees in the development agenda. It had recently joined the United Nations Development Group, and it was to be hoped that the new partnership would help in finding durable solutions for refugees and other persons of concern to his Office.

10. Stressing again the nexus between asylum and migration, and briefly recalling the factors necessitating concerted action in that area, he said that his Office would continue to strengthen its links with the International Organization for Migration and its relations with NGO partners.

11. Turning to the question of funding, he pointed out once more than the existing approach still reflected the reality of the 1950s, when UNHCR had been faced with a specific refugee problem in Europe and when its mission had been supposed to be time-limited. As proposed in the report, while UNHCR funding would continue to be based on voluntary contributions, that basis should be broadened and its sources diversified, in particular through the private sector. He was also proposing a 30 per cent Base Level model for those States that wished to apply it. While appreciating the generosity of countries that continued to host large refugee populations, and grateful as he was to the main cash donors, it was clear that the present situation in which only eight donors were providing over 80% of funds ran contrary to the aim of strengthening the multilateral character of his Office. He also referred to the last measure proposed in the report, which concerned an incremental increase in UNHCR's share of the United Nations regular budget.

12. The key issue of the increased danger to which humanitarian personnel were exposed had been given renewed focus as a result of the attack on the United Nations office in Baghdad, the attack on the ICRC office in that city and numerous other attacks during the past year, not only in Iraq but also in Afghanistan and elsewhere. The report of the Independent Panel on the Safety and Security of United Nations Personnel in Iraq showed that security procedures needed to be strengthened, which implied not only measures being taken by UNSECOORD but also having staff in the field that were well-trained and able to communicate effectively with local interlocutors with a view to enhancing understanding of the humanitarian principles guiding their work. It should not be forgotten that the ultimate aim was not only to tighten up security rules but also to improve the political environment in which UNHCR staff had to work.

13. UNHCR action in Iraq was only possible if it was carried on together with the Iraqi people and local authorities. Priority was therefore being given to strengthening the capacities of Iraqi authorities and especially to supporting the work of the newly appointed Iraqi Minister for Displacement and Migration.

14. In conclusion, he briefly surveyed UNHCR operations in Africa and Asia and drew attention to certain encouraging facts mentioned in his report to the General Assembly (A/58/12). UNHCR would continue to be actively engaged in the Northern Caucasus, where displaced Chechens in Ingushetia had recently come under pressure to return home, and in Colombia, where the number of internally displaced persons was well over two million.

15. **Mr. Andrabi** (Pakistan), after expressing his delegation's support of the High Commissioner's efforts to rationalise the activities of his Office in particular and of the Organization in general, asked for additional information concerning the "Convention Plus" initiative. Would the multilateral agreements referred to by the High Commissioner be concluded between a few countries and UNHCR or would they have an international character, like the Convention on the Status of Refugees and the Protocol relating thereto? He also asked for further information in connection with the concept of development based on

local integration (DLI), pointing out that the countries sheltering large numbers of refugees were often developing countries whose difficulties were increased as a result of having to look after groups of people whose return to their country of origin was uncertain.

16. **Mr. Lubbers** (United Nations High Commissioner for Refugees) explained that that the object of the "Convention Plus" initiative was to develop special agreements designed to complement the commitments undertaken by States under the 1951 Convention and its 1967 Protocol, to enhance the sharing of the refugee burden and to facilitate the search for durable solutions. The Convention and the Protocol imposed obligations on States in terms of assistance to be given to refugees but failed to mention burden-sharing or the need to seek durable solutions.

17. UNHCR was therefore endeavouring to promote the conclusion of generic agreements, on the one hand, and the resettlement of refugees on the other. To that end, it was necessary to encourage States to provide their share of development assistance within the framework of durable solutions to the situation of refugees and in support of projects that could be of benefit both to refugees and to the host communities. UNCHR was, moreover, concerned by the problem of secondary movements of refugees, who, in the absence of any real hope of a durable solution, found themselves at the mercy of traffickers, often connected with criminal circles. The solution to that problem was based essentially on repatriation, resettlement or, as an intermediate solution, on local integration.

18. Generic agreements could relate to development assistance, reduction of secondary movements of refugees, or resettlement. UNHCR was looking for countries that would be genuinely willing to blaze the trail in that direction, as Denmark, Japan and Switzerland were already doing and South Africa and Canada would no doubt be doing soon.

19. Explaining the manner in which the initiative was applied to certan countries, he mentioned the example of Somali refugees, who had fled very far from their country of origin and were unlikely to return. His Office therefore had to find host countries for refugees in a special situation. Here, general solutions had to be applied to a particular case, and countries that had subscribed to a generic agreement could go further and could concretize their commitment by putting it into practice at the national level.

20. Replying to the second question raised by the representative of Pakistan, he said that refugees were not necessarily a burden upon host countries; far from confining itself to providing food, shelter and medical care, UNHCR encouraged refugees to become self-sufficient in order to facilitate either their repatriation in due course or their resettlement. It was for the host countries to decide to what extent they wanted the refugees to become integrated, for example by allowing them to engage in agricultural activities. In many cases, assistance furnished to refugees - e.g. through the construction of a hospital or a road - also benefited the host communities. Lastly, the fact should not be overlooked that many refugees lived outside refugee camps and had become so productive that they no longer required any assistance. They were also more reluctant to return to their country of origin, and the possibility of authorizing them to settle definitively in the host country gave rise to another problem, that of the granting of that country's nationality. In that connection, he wished to make it clear that while UNHCR encouraged integration of refugees, obtaining for them the nationality of their host country did not form part of its concerns.

21. As for the Pashtuns who had fled Afghanistan to take refuge in Pakistan, many of them had been settled in that country for three generations, sometimes holding important and even governmental posts, and were extremely hesitant to return to their country of origin. Such refugees did not represent a burden but, rather, a contribution to the host country's economy.

22. The situation in Tanzania also deserved mention. The Tanzanian Government felt that Rwandan and Burundi refugees should be repatriated, and UNHCR was doing what it could to comply with that wish. But refugees could not be obliged to return to a country where violence reigned, as was the case in Somalia.

23. In conclusion, he said that activities aimed at encouraging self-sufficiency of refugees had a positive impact on host countries and communities. It was up to Governments to ensure that refugees were not a burden but became productive and contributed to the economy.

24. **Ms. Fusano** (Japan) said that her Government appreciated the primary role of UNHCR in assisting refugees. She agreed with the High Commissioner that the principle of development assistance for refugees was of great importance inasmuch as it made it

possible to envisage durable solutions. The approach must now be concretized on the ground.

25. It was to be hoped that the integration efforts undertaken in Angola, towards which Japan had recently contributed, would facilitate the realization of one of the key concepts of development assistance for refugees, namely the programme known as "4 Rs" – repatriation, reintegration, rehabilitation and reconstruction. Full account should also be taken of the concept of human security in the execution of projects.

26. The integration approach called for close collaboration between humanitarian organizations and development agencies. She wished to know what level of effectiveness that collaboration had achieved since UNHCR had become a member of the United Nations Development Group and whether that institutional arrangement was sufficient to guarantee effective collaboration between the institutions concerned.

27. **Mr. Simancas** (Mexico) welcomed the High Commissioner's reference to the unwarranted connections that some persons motivated by hate, racism or political or electoral considerations, established between asylum seekers, migrants, delinquents and even terrorists, and regretted that the report did not mention that point.

28. He agreed with the High Commissioner that emphasis should be placed on collaboration and coordination between bodies concerned with immigration and refugee problems, particularly in order to avoid duplication of effort and overlapping of spheres of competence.

29. **Mr. Knyazhinskiy** (Russian Federation) said that he would like to know more about the criteria for UNHCR intervention. Did the High Commissioner take into account political sensibilities and the principle of State sovereignty? While it could happen that, in certain States, a political vacuum might lead the international community to intervene in order to assist displaced persons, such cases were rare. Most States possessed sufficient authority to stand up to such situations. Any intervention by UNHCR should be subject to approval by the State concerned and by the United Nations. He was raising the question because the High Commissioner had mentioned the presence in Ingushetia of Chechen displaced persons wishing to return to Chechnya, a subject on which his Government had already expressed itself on several occasions. He asked for an explanation of how the High Commissioner decided in what situations he should concern himself with displaced persons and in what cases no intervention was called for.

30. **Mr. Lubbers** (United Nations High Commissioner for Refugees) said that the representative of Japan was right to pinpoint the problem of human security, which was at least as important as that of military security.

31. On a proposal by UNHCR, the United Nations Development Group had recently considered the principle of adopting clear guidelines to govern the application of durable solutions to the refugee problem. The Group had also decided to take that question into account in its work plan for 2004. The development was welcome in view of the fact that the issue had also been taken up by the working group on transitional matters set up jointly by the Executive Committee for Humanitarian Affairs and the United Nations Development Group. The working group's conclusions were due to be made public at the end of November.

32. He agreed with the representative of Mexico that the UNHCR proposals had a moral as well as a structural and a practical dimension. In the present historical context, he had thought it necessary to appeal to Governments and political leaders to adopt a reasonable attitude and to treat refugees in an equitable manner.

33. Replying to the representative of the Russian Federation, he said the UNHCR could not concern itself with all the displaced persons in the world. For example, many people were displaced as a result of natural disasters or poverty, or of a combination of different factors, as was the case in Afghanistan.

34. The criteria for UNHCR intervention were consent of the countries concerned and the United Nations and support on the part of the donor community. In the case of Chechnya, UNHCR had informed the authorities of the Russian Federation that it was prepared to return to Grozny and other areas in order to facilitate the return of Chechens by providing them with assistance and protection as part of a process of voluntary return. By re-establishing confidence, such an approach would encourage people to return, the assistance and protection aspect being merely temporary.

35. **Mr. Prica** (Bosnia and Herzegovina) said that his Government subscribed to the conclusions of the High

Commissioner's report for 2002 to the effect that the return of refugees and minorities in the Balkans had accelerated in 2001 and 2002. In 2003 the process had almost been completed. The Commission for Real Property Claims was expected to complete its work in 2004.

36. Referring to the completion of the work of the Working Group on Community Affairs mentioned in the report, he asked whether UNHCR intended to terminate its operations during the summer of 2004. In connection with the concern with durable solutions expressed in the report, he invited the High Commissioner to give further details in respect of the situation in Bosnia and Herzegovina.

37. **Mrs. Mohamed Ahmed** (Sudan) said that her Government supported the High Commissioner's task and welcomed the close links existing between them.

38. The "4 Rs" initiative was extremely useful both for countries of origin and for countries hosting refugees. While agreeing that repatriation was ultimately the best solution, her Government wondered whether UNHCR had found a solution to the question of the cessation clause. The application of that clause, which sometimes occurred too quickly, had considerably affected the situation of many Sudanese returnees, who were left without UNHCR assistance although they still needed support.

39. Her Government welcomed the news of the High Commissioner's impending visit to Sudan, where he would see for himself the need for arrangements to improve the situation of refugees inside the country and of Sudanese refugees outside it. She hoped that UNHCR would pursue its task after the conclusion of the peace process, which was progressing favourably.

40. With regard to resources and funding, her Government shared the High Commissioner's concerns, as the funding of UNHCR ultimately affected national programmes. She asked whether any innovative steps had been taken to obtain funding and in support of programmes in the countries concerned.

41. **Mr. Andrabi** (Pakistan) wondered how the presentation of UNHCR reports to the General Assembly was to be rationalized. He hoped that the High Commissioner would continue to present his reports to the Third Committee and was not planning to address them directly to the General Assembly.

42. **Mr. Lubbers** (United Nations High Commissioner for Refugees) agreed with the representative of Bosnia and Herzegovina that the Government of that country and UNHCR had succeeded in doing excellent work together. While continuing to deal with certain issues still before it, UNHCR was going to reduce its presence.

43. Replying to the representative of Sudan, he said that when peace came to a country, UNHCR had to prepare itself to resort to the cessation clause at some point, failing which a perpetual relationship would come into being between it and the country concerned. In certain cases, however, such as that of the conflict between Eritrea and Ethiopia, the cessation clause was applied only gradually. He was going to Sudan in the hope of meeting peace-loving persons of good will. With regard to the question of resources, he said that emphasis should be placed on the concepts of multilateralism and sharing of responsibilities set forth in "Convention Plus". After Monterrey, everything must be done to take advantage of the possibilities offered by those principles. The international community should not think that the problem of refugees and displaced persons concerned host countries alone. The obligation was a political one and incumbent upon everyone. Unfortunately, many countries today gave preference to bilateral relations and were reluctant to adopt a multilateral approach. In "Convention Plus", UNHCR tackled that problem by proposing a solution halfway between multilateralism and bilateralism whereby a number of countries undertook concrete commitments to intervene.

44. Replying to the representative of Pakistan, he said that questions had arisen in connection with ECOSOC. UNHCR would continue to report to the Third Committee and the conclusions of the debate in that Committee would go forward to the General Assembly. What was envisaged, in fact, was to reduce the role of ECOSOC and strengthen that of the Third Committee.

45. **Mrs. Noman** (Yemen) asked what steps UNHCR was taking to provide assistance to host countries receiving HIV-positive refugees and, more generally, to deal with the problem of the HIV/AIDS epidemic.

46. **Mr. Prica** (Bosnia and Herezegovina) thanked the High Commissioner and his Office for the assistance given to his country. The interventions on behalf of refugees and displaced persons conducted on

the ground by UNHCR had been of immense importance.

47. **Mr. Lubbers** (United Nations High Commissioner for Refugees) said in reply to the question raised by the representative of Yemen that UNHCR action in that field formed part of a broader framework. In the particular case of Yemen it had been decided to undertake the registration not only of families but also of all individuals, including newborn babies.

48. As part of the medical assistance it provided in refugee camps, UNHCR had always informed refugees of health risks and ways of avoiding them. At the start of the HIV/AIDS epidemic, that experience had been used as the basis for UNHCR procedures in the matter. Studies had revealed that, unexpectedly, the incidence of HIV/AIDS was generally lower in refugee camps than among the population of the host country. The results in question had been obtained thanks to UNHCR's information and assistance policy.

49. As a result of those findings, UNHCR had contacted leading UNAIDS officials with a view to informing them of the success of its information campaigns and considering jointly with them the possibilities of helping HIV-positive persons. In doing so, his Office had accentuated the need to include refugees in all UNAIDS interventions.

50. **Mr. Mantovani** (Italy), speaking on behalf of the European Union, the 10 acceding countries, the associated countries (Bulgaria, Romania and Turkey) and Iceland (member of EFTA and the European Economic Area), noted with satisfaction that in 2002 UNHCR had continued to assist the return of refugees to Afghanistan in one of the vastest repatriation operations of the previous 30 years. He also welcomed the return of many African and Asian refugees to their countries (Angola, Burundi and Sierra Leone and Sri Lanka and Timor-Leste, respectively), as well as the role played by UNHCR in the contingency and preparedness efforts in Iraq. On the other hand, the violence in West Africa, the Great Lakes region, Colombia and the Northern Caucasus, which had generated new refugee outflows, was to be deplored.

51. The European Union agreed with the High Commissioner's emphasis on the impact on international protection of certain characteristic contemporary phenomena, viz. the close link between asylum and migration, population outflows in the event of internal or international conflicts, the heightened security concerns of States in face of the threat of terrorism, and the persistent problems of poverty and underdevelopment.

52. Both the Agenda for Protection adopted in 2002 and "Convention Plus" were useful initiatives that could assist States in protecting refugees and finding durable solutions, as well as helping UNHCR to fulfil its mandate. As regards the Agenda for Protection, the European Union welcomed the activities already undertaken by UNHCR towards its implementation. A first set of conclusions deriving from the Agenda had been endorsed at a recent meeting of the EU Executive Committee. Of particular relevance was the conclusion on protection from sexual abuse and exploitation designed to strengthen the protection of refugees, asylum seekers and other persons of concern to UNHCR, an issue that remained high on the EU agenda. It also welcomed the recent launching by UNHCR of guidelines on preventing and responding to sexual and gender-based violence, as well as the implementation of a code of conduct for its staff. As for "Convention Plus", the European Union had taken note of the Framework for Durable Solutions developed by UNHCR, which was based on three distinct and complementary tools, namely the "4 Rs" (repatriation, reintegration, rehabilitation and reconstruction), DAR (development assistance for refugees) and DLI (development through local integration), and was intended to promote self-reliance of refugees and returnees and to support the economies of the communities in which they were living. The European Union would follow with attention that process, which required the full involvement of other actors, such as Governments and development agencies.

53. It welcomed the proposals made by the High Commissioner at the recent session of the Executive Committee concerning development programmes to assist refugees and host countries, the question of secondary flows and the strategic use of resettlement, and would continue to follow with attention the developments of the "Convention Plus" initiative, especially in connection with the resettlement issue.

54. The European Union was currently examining a comprehensive approach to refugee situations. The Thessaloniki Council had invited the Commission in June 2003 to study possibilities of ensuring more orderly and managed entry to the EU countries of

persons in need of international protection and to enhance the protection capacity of regions of origin, with a view to submitting a detailed report, including proposals and taking into account legal implications, to the Council before June 2004. The European Union looked forward to close cooperation with UNHCR in that matter.

55. The European Union was building an area of freedom, security and justice. The Amsterdam Treaty and the Tampere Council of October 1999 had established a political framework for the creation of a common European asylum system based on the full and inclusive application of the Refugee Convention of 1951. During the Italian presidency, efforts would be made to finalize two important directives, thus completing the first stage of preparation of minimum norms on asylum and international protection. The High Commissioner's observations and suggestions in that connection were being considered with all due attention.

56. With regard to the asylum and migration nexus, which it regarded as a matter of particular importance, the European Union deemed that the two issues were distinct and should be treated separately in order to avoid any abuse of asylum for migratory purposes. It shared the High Commissioner's concerns in that area and agreed with him on the need to establish rapid and efficient status determination mechanisms aimed at identifying persons genuinely in need of international protection while detecting unfounded applications lodged by economic migrants.

57. Deploring the under-funding of the UNHCR budget, he reminded the Committee that the European Union was actually the largest contributor. Its member States were willing to engage in discussions on how to ensure that the funding of UNHCR became adequate, predictable and sustainable. The European Union supported the High Commissioner's efforts to attract additional resources, including from the private sector, supported the principle that a greater proportion of funds should be provided through the regular budget of the United Nations, and in the meantime encouraged UNHCR to look continually for efficiency in the use of such resources as were available.

58. Lastly, the European Union was convinced that it was essential to define clear intervention priorities and that UNHCR should continue to develop strategic partnerships with Governments, humanitarian and development agencies, and NGOs.

59. **Mr. Siv** (United States of America) said one of UNHCR's key efforts had been the facilitation of voluntary repatriation of several large and long-standing refugee populations. In Afghanistan, UNHCR had assisted the return of over two million refugees – a phenomenal feat – and had supported their reintegration in society. In Angola, an estimated 150 000 refugees had returned home since the end of the war, and UNHCR, working with IOM and its NGO partners, was making a valiant effort to return as many refugees as possible before the onset of the rainy season. Large numbers of Sierra Leonean refugees had also returned from Guinea to start new lives.

60. He hoped that Iraqi refugees, too, would be in a position to come home in the not too distant future. Encouraged by the recent unanimous support for Security Council resolution 1511, the United States looked forward to increased cooperation with the Iraqi people, the United Nations and other actors to bring stability to Iraq and allow for the eventual return of hundreds of thousands of Iraqi refugees. UNHCR had already assisted nearly 2 000 Iraqi refugees to return home. The Madrid Conference held the previous month had highlighted the need to empower Iraqis to deal with humanitarian issues under the leadership of Mr. Mohammed Al-Oteeb, the Minister of Displacement and Migration, to whom the United States would provide strong support.

61. The United States also hoped for progress in 2004 in Liberia, Burundi and Sudan and welcomed the resumption of negotiations between Bhutan and Nepal, which, it hoped, would provide durable solutions for the Bhutanese refugees.

62. For millions of other refugees, unfortunately, no lasting solutions could be expected in the short term. The United States was convinced that a multilateral approach to refugee protection and assistance was paramount, and called on other donors to provide UNHCR with the funding it needed to do the job. His country had contributed more than $ 307 million to UNHCR's 2003 programme, but despite improved support the budget remained under-funded. His delegation was pleased that UNHCR had agreed to undertake a real assessment of refugee needs for the 2005 budget, a step in the right direction that would

make it possible to identify requirements and the resources needed to meet them.

63. Protection continued to be the priority issue for the United States. Refugees were caught up in conflicts and subjected to refoulement, forced recruitment and sexual abuse. UNHCR had to have sufficient funding in order to provide adequate protection and community services in the field, set up effective registration systems and offer protection training to its staff and that of its implementing partners. His delegation welcomed the Secretary-General's recent bulletin on special measures to be taken against sexual exploitation and abuse. The efforts of UNHCR to prevent abuse and to investigate reports of abuse were also to be commended. While the number of such reports was alarming, it might be a sign of increased awareness and willingness to speak out.

64. The protection needs of refugee women and children remained a high priority for his Government, which continued to believe that having senior coordinators, rather than advisers, in the organization was the best way to ensure that those needs were mainstreamed into all UNHCR policies and programmes.

65. The commitment of the United States to resettlement was unwavering. Accordingly, his delegation welcomed the increased focus of UNHCR on that solution, which was a key protection tool for a small number of refugees.

66. Referring to "Convention Plus", he said that while there was some merit in special agreements among countries to find solutions to specific situations, there was some danger of Convention Plus turning into Convention Minus if the life-cycle of protection were not seen through. UNHCR could not abrogate its monitoring and follow-up responsibilities.

67. **Mr. Egloff** (Switzerland) said that closer cooperation between UNHCR and other United Nations agencies, in particular those concerned with development, peace and security as well as with human rights, was essential in order to find durable solutions to the refugee problem and strengthen international protection. His delegation would welcome an evaluation of the pilot projects conducted in the field in connection with the "4 Rs" approach.

68. Turning to the question of displaced persons, he said that Switzerland was in favour of inter-organization collaboration both in the field and at Headquarters, and encouraged UNHCR to strengthen its ties with the Office for the Coordination of Humanitarian Affairs and to play a more active role in the Inter-Agency Standing Committee. It was also desirable that UNHCR should strengthen its links with NGOs, which were not only active on the ground but also made a not unappreciable contribution to strategic debates.

69. While taking the view that UNHCR should have the resources it needed in order to fulfil its mandate, Switzerland would advise it to practise financial rigour in programming its operational activities and to set clearly defined priorities so as to achieve maximum transparence and efficiency in meeting the needs of refugees and displaced persons.

70. It actively supported the "Convention Plus" initiative launched by the High Commissioner with a view to strengthening international protection. Switzerland, a facilitating country with regard to secondary and irregular flows, wished to start a dialogue on the respective responsibilities of countries of origin, of transit and of destination ("Berne Initiative") based on studies of specific cases, and invited interested States to participate in the proposed discussions.

71. Referring to the nexus between asylum and migration, he invited the High Commissioner to pursue his initiatives to protect refugees and asylum seekers in the context of broader migration management and expressed support for the strategic alliance between UNHCR and the International Organization for Migration.

72. Paying tribute to UNHCR staff at Headquarters and in the field for their efforts on behalf of persons in need of protection and assistance, he expressed great concern at the deterioration of their conditions of work. He condemned the attack against the ICRC building in Baghdad and hoped that those responsible would be brought to justice.

73. **Mr. Hu Bin** (China) paid tribute to the work of UNHCR staff, some of whom had sacrificed their lives in the exercise of their duties.

74. The report of the Secretary-General (A/58/12) showed that the period under review had seen many new challenges and problems in connection with refugee protection. Massive refugee flows now came

from developing and least developed countries, and such countries were also hosts to large refugee inflows. That phenomenon had put heavy strains on the economies and societies of many African and Asian countries.

75. In view of the present situation, the international community should, in accordance with the principles of international solidarity and burden-sharing, increase their assistance to such host countries and should help them to develop their economies in the context of implementation of the Millennium Declaration Goals, so as to eliminate the refugee problem at its root.

76. His delegation took the view that voluntary repatriation should be the preferred long-term solution, especially in cases involving large numbers of refugees, but resettlement and local integration could also be considered. It supported the "4 Rs" strategy, DAR and DLI as proposed by UNHCR, and hoped that those development-based approaches would provide a fresh impetus for the resolution of long-standing refugee problems in various parts of the world.

77. It appreciated the launching of the "UNHCR 2004" process designed to find effective responses to the challenges of refugee protection through extensive consultations, supported the call for greater international attention to the refugee problem and for a strengthening of the spirit of international cooperation, and encouraged UNHCR to continue its efforts to improve internal management and efficiency. It hoped that UNHCR would always adhere to its core function of protecting refugees and the principles of humanitarianism, non-politicization and neutrality.

78. **Ms. Booto** (Democratic Republic of the Congo), speaking on behalf of the States members of the Southern African Development Community (SADC), said that although peace processes over the past two years had created opportunities for improving the lives of many returning refugees and displaced persons, the world refugee situation remained extremely worrying and in some instances had actually worsened. The vicious cycles of conflicts which were affecting millions of refugees, particularly in Africa, left little hope for durable solutions, threatened stability and hampered socio-economic development.

79. The scourge had not spared the States members of SADC, many of whom were continuing to host large number of refugees at a time when they themselves were grappling with food shortages, humanitarian problems and epidemics, particularly of malaria, tuberculosis and HIV/AIDS.

80. SADC welcomed the peace processes in Angola and the Democratic Republic of the Congo. The consolidation of peace and stability in those two countries would go a long way towards finding durable solutions to the problem of refugees in the Community. In the eastern part of the Democratic Republic of the Congo, however, access to the most vulnerable groups, particularly women and children, remained a major challenge owing to insecurity and poor infrastructures.

81. African countries, which were host to the largest number of refugees and displaced persons in the world, thus bore a humanitarian burden that put an enormous strain on their limited resources. SARC would therefore wish to see a strengthening of assistance to host countries in line with the agreed principle of burden-sharing.

82. It was imperative that the international community should continue to address the root causes of conflicts giving rise to refugee movements, which implied the elimination of the scourges of war, poverty and injustice. All State and non-State actors must abide by the purposes and principles of the Charter, apply the principles of international law and respect the sovereignty and territorial integrity of States. Support for peace-building and conflict resolution efforts was also essential in order to make sustainable the return of refugees willing to repatriate.

83. SADC considered voluntary repatriation to be the most desirable and durable solution. It welcomed the High Commissioner's report on assistance to refugees, returnees and displaced persons in Africa (A/58/353) as well as the efforts of UNHCR and other organizations in protecting and assisting unaccompanied refugee minors, who were highly vulnerable and exposed to risks such as military recruitment, forced labour, sexual exploitation and abuse. It also welcomed the Conclusion on Protection from Sexual Abuse and Exploitation adopted at the 54th session of the UNHCR Executive Committee (A/58/121/Add.1 (Suppl.)) and urged UNHCR and its implementing partners to put in place appropriate systems for the prevention of sexual and gender-based violence.

84. SADC thought it crucial that the High Commissioner should have the necessary resources in order to contribute towards sustainable solutions.

Referring to the report in document A/58/12, she noted the "4 Rs" institutional collaboration strategy bringing together humanitarian and development actors with a view to promoting sustainable return, contributing towards poverty reduction and helping to create good governance. As regards the strengthening of the capacity of UNHCR to carry out its mandate, SADC hoped, in particular, that in defining core activities and priorities the High Commissioner would take account of the difficulties of developing host countries.

85. In conclusion, she expressed the hope that in the context of NEPAD, African countries would strengthen their capacity to prevent, manage and resolve conflicts and would create the necessary conditions for political and socio-economic development, thus greatly improving the situation of refugees on the African continent.

86. **Mr. Levald** (Norway), referring to the High Commissioner's report on strengthening the capacity of UNHCR to carry out its mandate (A/58/410), stressed the usefulness of the "UNHCR 2004" exercise and welcomed the consensus practised in the Executive Committee. He also mentioned the Global Consultations on International Protection, which had resulted in the adoption of the Agenda for Protection, and the "4 Rs" approach, which he regarded as highly promising. Moreover, the "Convention Plus" proposal had already provided a significant impetus to revitalizing the search for durable solutions to refugee situations.

87. The annual report in document A/58/12 described the progress made as well as the shortcomings and challenges encountered in the refugee area. The tools available to the High Commissioner should be reexamined with a view to enabling him to respond to what he himself described as the "challenges of modernity". A significant result of "UNHCR 2004" was the reassessment of the relations between UNHCR and the rest of the United Nations system and with operational and implementing agencies. The new emphasis on better linkages with the United Nations family, improved coordination and strengthened partnerships was to be welcomed.

88. As regards the issue of finance, he noted that the operating ability of UNHCR was hindered by a funding structure ill-adapted to the worldwide responsibilities of the Office and the international community's expectations. How could the international community accept the fact that UNHCR depended on three donors to finance half of its annual budget and on twelve donors to finance about 90%? As a result, the budgets – which in no way reflected the most basic refugee needs in the first place - had to be cut year after year.

89. Unfortunately, many States seemed to feel that their responsibility ended with the adoption of the UNHCR budget, while the developing countries hosting refugees and had no choice other than continuing to provide for the refugees on their soil despite the difficulties they were facing. As stated in the report, UNHCR's mission had to be based on a spirit of solidarity, responsibility and burden-sharing and a commitment to making the Office a truly multilateral institution. The Office must therefore succeed in improving its financial basis and the predictability of its funding.

90. Under the Statute, UNHCR's administrative expenses had to be covered from the regular budget. The General Assembly must support the modest increases proposed by the Secretary-General and must draw up a multi-year plan. Failure to fulfil the requirement laid down in the Statute had direct repercussions on UNHCR and on the refugees themselves. Some progress had been achieved in expanding the donor base and obtaining contributions fom the private sector. It was now for donors whose performance so far had been low to step up their contributions.

91. The international community must increase its pressure on the States concerned, especially in protracted refugee situations, to commit themselves resolutely to overcoming the underlying political problems.

92. **Mr. Laurin** (Canada) said that significant progress had been made over the past year in resolving some protracted refugee situations. The number of signatories of the 1951 Convention and the 1967 Protocol had also increased, and major repatriation operations had taken place in Afghanistan and, to a lesser degree, in Angola and Sierra Leone. If those repatriations were to prove durable in the long term, States and United Nations agencies, including UNHCR, had to work together.

93. His delegation deplored the fact that some States had failed to respect the principle of non-refoulement, and called on all States to live up to their obligations

and to cooperate with UNHCR in providing protection to all refugees.

94. Noting with concern the dangers wo which UNHCR staff and other humanitarian workers were exposed, Canada paid tribute to the United Nations personnel who had lost their lives in seeking to provide protection and assistance to refugees and returnees. It encouraged UNHCR to review its current approach to security management and to consider taking such steps as were necessary. The High Commissioner had, as part of the "UNHCR 2004" process, held consultations with a view to better assessing how the Office's mandate, management and finding impacted on its work. That process, in which Canada actively participated, was designed to strengthen UNHCR's capacity to fulfil its mandate of protection and search for durable solutions for refugees and other persons of concern. As a result of the recognition by Member States of the need to remove the time limitation on UNHCR's mandate, the Office was now better placed to respond to evolving refugee needs and to improve its planning and programming efficiency. His delegation was also pleased to note the decision to hold periodic meetings of States parties to the 1951 Convention, which, coupled with the "Convention Plus" initiative, would surely inject new dynamism into refugee protection.

95. Another important outcome of the "UNHCR 2004" process was the emphasis on the key role played by partners in supporting the efforts of UNHCR. Cooperation with the United Nations Development Group, the Emergency Relief Coordinator, and the Departments of Political Affairs and Peacekeeping Operations was of the essence.

96. His delegation agreed with the emphasis placed by the High Commissioner on the need to see refugees as agents of development and on the importance of the DAR, "4 Rs" and DLI concepts.

97. The same emphasis on coherence and coordination must be evident in those specific situations where it was determined that UNHCR should be involved with internally displaced persons. Canada strongly supported the inter-agency collaborative effort as the most effective way of meeting the needs of such persons at the present time.

98. The "UNHCR 2004" process had also usefully focused attention on the question of adequate resources and the need for effective management. For an institution that relied so heavily on voluntary contributions, 90% of UNHCR's annual budget coming from only 12 donor countries, timely and stable funding was of the greatest importance. Canada was prepared to consider participating in the pilot project aimed at implementing the voluntary Base Level model.

99. Notwithstanding the progress made, several issues still remained outstanding. The report (A/58/12) failed to discuss the administrative and management measures that needed to be taken, and the discussion of governance and budget issues was also cut short.

100. In the past two years the High Commissioner had promoted a number of initiatives aimed at enhancing the search for durable solutions and meeting the challenges associated with managing contemporary refugee movements. The reforms aimed at strengthening the Office more effective and providing it with the necessary financial resources must now be pursued.

101. **Mr. Dall' Oglio** (Observer, International Organization for Migration) said that his organization, like the High Commissioner, felt a need to foster partnerships among concerned organizations in order to address cross-cutting migration issues within a coherent framework. Recognition of the multifaceted aspects of international migration was a precondition for the achievement of maximum complementarity.

102. International migration occupied a high place on today's international agenda, not only because of the estimated 175 million persons concerned but also because all indicators pointed to migration as a continuing structural component of contemporary socio-economic development.

103. However, not all migrants could be placed in the same category, and special attention was warranted in the case of refugees, asylum seekers and displaced persons. IOM and UNHCR were developing shared tools to better address the link between migration and asylum and to find mutually agreed responses to problems in their respective fields of competence and expertise. While national and international laws differentiated between asylum seekers, refugees and other migrants, in reality the situation was often blurred. The capacity to preserve an effective asylum regime was therefore linked with the mutual reinforcement of migration and asylum laws and practices as well as migration management in regions

of origin. The joint UNHCR-IOM Action Group on Migration and Asylum (AGAMI) had now been working on that nexus for some two years and had already produced results by setting operational standards for the joint management of return operations, particularly in countries where absorption capacities were still fragile, such as Afghanistan and Iraq. Further, in order to take into account the developmental, security, humanitarian and economic aspects of migration, an informal group composed of the executive heads of UNHCR, UNHCHR, UNODC, UNCTAD, ILO and IOM had been set up as a mechanism for direct information sharing and policy discussion on issues among organizations whose work affected or was affected by international population flows.

104. **Mr. Geleta** (Observer, International Federation of Red Cross and Red Crescent Societies) pointed out that it was not possible for Governments to assess, prevent or address vulnerability on their own, especially in the context of population movements. The Red Cross and Red Crescent Societies functioned as auxiliaries to the public authorities, and Governments had undertaken to consult them when taking decisions on issues relating to refugees, internally displaced persons and migrants. It was his organization's hope that all countries would abide by that commitment.

105. The challenge offered by the High Commissioner in his report in document A/AC.96/980 had to be taken up. The section of the report devoted to partnerships noted the important role played by the UNHCR in the development of partnerships in the humanitarian and development area as well as the role of national Red Cross and Red Crescent Societies as UNHC\R's partners in various contexts. More specifically, a framework partnership agreement specifically addressing the needs in Iraq had been concluded between the two bodies in recent months.

106. The Federation looked forward to working more closely with Governments on issues relating to population movement. The Bali process now under way in the Asia-Pacific region and the Budapest process in Europe, both mainly concerned with the issue of trafficking, provided good examples of cooperation. The Federation had also been invited to participate in Metropolis International, a group of governmental, academic and non-governmental experts working on migration issues. It looked forward to working on such issues with United Nations regional commissions, including the Economic Commission for Europe.

107. As the High Commissioner recognized, UNHCR was not well equipped on the basis of its original mandate to provide all the services needed in the present situation. The Federation looked forward to opportunities of contributing towards the search for solutions at the national, regional and global levels.

108. **Mr. Lubbers** (United Nations High Commissioner for Refugees) stressed that the role of UNHCR was to assist populations with complete impartiality. The search for durable solutions was of the greatest importance. He had reached the conclusion that UNHCR could play a well-defined role in the case of internally displaced persons. UNHCR provided refugees returning after a conflict with information about the conditions they could expect to find, and it could do the same for displaced persons.

109. A collaborative approach needed to be taken. If an entity other than UNHCR could do better, it should be given a free hand. If, on the other hand, UNHCR could do more, then it had to be informed and the appropriate financing had to be found.

110. The activities of the Federation of Red Cross and Red Crescent Societies in or near conflict areas were complementary to those of UNHCR, which was always a little slower off the mark. His Office also collaborated with the International Organization for Migrations, whose role was not restricted to assisting the victims of violence and persecution.

The meeting rose at 1.05 p.m.